

Message Text

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ACTION L-03

INFO OCT-01 IO-14 ISO-00 AF-10 ARA-14 EA-12 EUR-12
NEA-11 CIAE-00 DODE-00 PM-05 H-02 INR-10 NSAE-00
NSC-05 PA-02 SP-02 SS-15 ICA-20 CEA-01 STR-07
AID-05 COME-00 EB-08 FRB-01 TRSE-00 XMB-04
OPIC-06 LAB-04 SIL-01 OMB-01 /176 W
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R 191543Z JUN 78
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 2116

UNCLAS SECTION 01 OF 02 USUN NEW YORK 02539

E.O.11652: N/A
TAGS: UNCITRAL, UN
SUBJECT: 11TH SESSION OF UNCITRAL

1. THE UN COMMISSION ON INTERNATIONAL TRADE LAW (UNCITRAL)
COMPLETED ITS 11TH SESSION ON JUNE 18TH, 1978.
THE MAJOR ITEM OF BUSINESS AT THE 3 WEEK SESSION WAS THE
ADOPTION OF A DRAFT CONVENTION ON THE FORMATION
OF THE CONTRACT FOR THE INTERNATIONAL SALE OF GOODS.
THIS COMPANION PIECE TO THE DRAFT CONVENTION ON
INTERNATIONAL SALES TRANSACTIONS WAS APPROVED BY
UNCITRAL AFTER 3 WEEKS OF INTENSIVE WORK.

2. THE COMMISSION DECIDED THAT THE SET OF ARTICLES
REGARDING FORMATION OF CONTRACTS ON THE SALE OF GOODS
SHOULD BE AMALGAMATED WITH THE CONVENTION ON THE
INTERNATIONAL SALE OF GOODS, SO AS TO ELIMINATE THE
POSSIBILITY OF IVERGENCIES BETWEEN TWO TEXTS. THE
OUTLINES OF THE MANNER IN WHICH THE TEXTS WILL BE
INTERGRATED WERE ADOPTED BY THE COMMISSION. THE
SECRETARIAT HAS BEEN CHARGED WITH COMPLETION OF THE
PROCESS OF INTERGRATION.

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3. THE COMMISSION RECOMMENDED TO THE G.A. THAT A
CONFERENCE OF PLENIPOTENTIARIES BE CONVENED FOR 5
WEEKS TO REVIEW THE APPROXIMATE 80 SUBSTANTITIVE ARTICLES
THAT WILL MAKE UP THE CONSOLIDATED TEXT. HOWEVER,
THE COMMISSION CONSIDERED THAT THE CONFERENCE SHOULD
POSESS AUTHORITY TO EXTEND THE SESSION FOR ONE WEEK
IF NECESSARY TO INSURE CONCLUSION OF THE WORK

ON THE CONVENTION.

4. THE COMMISSION LIKEWISE RECOMMENDED TO THE GA THAT THE CONFERENCE CONVENED TO CONCLUDE THE CONSOLIDATED CONVENTION ALSO BE AUTHORIZED TO CONSIDER THE ADOPTION OF A PROTOCOL TO THE UN CONVENTION ON THE LIMITATION PERIOD FOR THE INTERNATIONAL SALE OF GOODS. THE LIMITATION CONVENTION DIFFERS IN SEVERAL RESPECTS FROM THE CONSOLIDATED SALES CONVENTION WITH REGARD TO THE SCOPE OF APPLICATION. THE PROTOCOL IS CONSIDERED NECESSARY IN ORDER TO ELIMINATE THESE DISCREPANCIES.

5. THE SESSION LIKEWISE CONSIDERED THE FUTURE WORK OF THE COMMISSION AMONG THE PROPOSALS SUBMITTED FOR CONSIDERATION WAS A 9 STATE RECOMENDATION FOR SELECTION OF SUBJECTS BEARING ON THE LEGAL CONSEQUENCES OF THE NEW INTERNATIONAL ECONOMIC ORDER. THIS PROPOSAL STEMMED FROM A RESOLUTION OF THE ASIAN-AFRICAN LEGAL SUBCOMMITTEE ADOPTED AT ITS 19TH SESSION IN JANUARY 1978. THE PROPOSAL AS INTRODUCED CALLED FOR CREATION OF A SPECIAL COMMITTEE TO DEVELOP A REPORT ON THIS SUBJECT FOR SUBMISSION TO THE 13TH SESSION OF THE COMMISSION AND LIKEWISE REQUIRED A SUBMISSION TO THE GA SPECIAL SESSION IN 1980 OF A REPORT ON THE CONTRIBUTION OF UNCITRAL TO THE DEVELOPMENT OF NIEO.
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AFTER CONSIDERABLE DISUCSSION THE COMMISSION ADOPTED A COMPROMISE BY WHICH THE SECRETARIAT IS INSTRUCTED TO PREPARE A REPORT FOR SUBMISSION TO THE 12TH SESSION OF UNCITRAL THAT SETS FORTH "SUBJECT MATTERS THAT ARE RELEVANT IN THE CONTEXT OF THE DEVELOPMENT OF A NEW INTERNATIONAL ECONOMIC ORDER AND THAT WOULD BE SUITABLE FOR CONSIDERATION BY THE COMMISSION..." THE COMPROMISE ALSO INCLUDES A DECISION TO ESTABLISH A WORKING GROUP IN THIS FIELD BUT DEFERS DESIGNATION OF THE STATES TO SERVE ON THE WORKING GROUP UNTIL THE 12TH SESSION.

6. WITH REGARD TO OTHER ITEMS OF NEW WORK THE COMMISSION INSTRUCTED THE SECRETARIAT TO SUBMIT STUDIES ON CERTAIN PRIORITY ITEMS. THESE INCLUDE CONTRACTS PROVIDING FOR INTERNATIONAL BARTER TRANSACTIONS, OF SUCH SUBJECTS AS HARDSHIP, CLAUSES, PENALTY CAUSES AND CLAUSES PROTECTING PARTIES AGAINST CURRENCY FLUCTUATIONS. IN THE FIELD OF INTERNATIONAL PAYMENTS PRIORITY IS TO BE GIVEN TO A UNIVERSAL UNIT OF ACCOUNT AND TO STANDBY LETTERS OF CREDIT IN THE FIELD OF INTERNATIONAL COMMERCIAL

ARBITRATION A NEW ITEM, CONCILIATION OF
INTERNATIONAL TRADE DISPUTES IS TO BE GIVEN PRIORITY
WITH THE EXISTING ITEMS IN THE FIELD.

7. WITH REGARD TO TRANSPORTATION THE SECRETARIAT HAS
BEEN REQUESTED TO UNDERTAKE PRELIMINARY STUDIES, WHERE
APPROPRIATE IN CONSULTATION WITH OTHER INTERESTED
INTERNATIONAL ORGANIZATION, OF SUBJECTS SUCH AS
MULTIMODAL TRANSPORT, CHARTER - PARTIES AND THE
FORWARDING OF GOODS.

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8. THE QUESTION OF THE TRANSFER OF THE COMMISSION'S
SECRETARIAT TO VIENNA WAS RAISED BY THE EGYPTIAN
REPRESENTATIVE ON BEHALF OF THE DEVELOPING STATES:
CONCERN WAS EXPRESSED REGARDING THE LACK OF ADEQUATE
SUPPORT FACILITIES IN VIENNA AND IN PARTICULAR
THE ABSENCE OF ADEQUATE REFERENCE FACILITIES.
THE COMMISSION DECIDED TO RECOMMEND TO THE GA
THAT THE MOVE TO VIENNA BE DEFERRED FOR A PERIOD
OF 3 YEARS TO ALLOW TIME FOR ESTABLISHMENT OF THE
NECESSARY RESEARCH FACILITIES. DURING THE DISCUSSION,
MEMBERS REPEATEDLY RAISED THE ISSUE OF THE FINANCIAL
IMPLICATIONS FOR THE UN OF THE SECRETARIAT MOVE.
THE SECRETARIAT REPLY WAS THAT NO PRECISE INFORMATION
WAS AVAILABLE AT THE PRESENT TIME.

9. CORRECT FIFTH SENTENCE PARA 2 TO READ "POSSIBILITY
OF DIVERGENCIES BETWEEN TWO TEXTS. THE" VICE
"POSSIBILITY OF IVERGENCIES BETWEEN TWO TEXTS. THE"
LEONARD

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